

RESOLUTION OBJECTING TO THE STATE HOUSE COMMISSION PRE-APPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR PROPOSED SUBDIVISION OF THE WOODROW WILSON MEMORIAL PARK WITHIN THE CITY OF LINDEN, NEW JERSEY, COUNTY OF UNION, NEW JERSEY

WHEREAS, Block 274, Lot 2 is part of the City of Linden Woodrow Wilson Memorial Park which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, in conjunction with the proposed subdivision, The City of Linden has applied to remove the Green Acres restrictions from a 0.103-acre portion of Woodrow Wilson Memorial Park; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the City of Linden wishes to apply for approval for the proposed subdivision as a minor disposal or diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, the first step in the application process for approval of a minor disposal or diversion of parkland is the filing of a pre-application under N.J.A.C. 7:36-26.4; and

WHEREAS, four major mature approximately 80-year old shade trees will be removed from the aforementioned parkland; and

WHEREAS, the value of the trees will be paid to the State of New Jersey in lieu of use for much needed tree planting in the Woodrow Wilson Memorial Park and City as a whole; and

WHEREAS, the value of the trees to be removed as reported in the pre-application submitted to NJDEP by the City of Linden is grossly undervalued based upon current market/bid prices for trees of the size 2-2.5-inch caliper, 8 to 14 feet, depending upon tree varieties; and

WHEREAS, the City of Linden lost over 15,000 trees to the Asian Longhorn beetle, for which the USDA, NJDEP and APHIS promised and agreed to a one for one replacement of removed trees, which promise and agreement was never fulfilled; and

WHEREAS, an incredible number of large trees have been lost with in the City of Linden as a result of Hurricane Irene, "Super-Storm" Sandy, "Snowtober" (a freak snow storm that occurred during the month of October just a few years ago), other storms, microbursts; and

WHEREAS, the trees to be condemned to death survived the aforementioned major storm events; and

WHEREAS, the trees to be condemned to death at an approximate age of 80 years, while the average age of these types of trees can be 200 to 400 years old; and

WHEREAS, the City of Linden is losing trees at a rate far exceeding annual replacement plantings as part of the much-needed green infrastructure of the Community and Urban Forest with losses that are due to many factors including but not limited to new introduced exotic insects, introduced exotic diseases, construction damage, new development; and

WHEREAS, parks, green space. trees add to property values, filter suspended particulates, sequester carbon, absorb/process pollutants, sequester carbon dioxide, produce oxygen, help regulate/sequester storm water runoff, add to the general livability of the city, provide mental and physical health benefits as shown in published study after study during the last 50 years; and

WHEREAS, trees, particularly mature trees provide many environmental services including but not limited to energy cost reduction, heat island effect reduction; and

WHEREAS, published research shows that trees, parkland and green space help to reduce crime; and

WHEREAS, published research shows that trees, parkland. green space help to calm traffic and reduce speeding of vehicles; and

WHEREAS, The City needs more green space/trees not less/fewer as a result of continued increases in development intensity/density including but not limited to the subdivision of small residential lots into smaller lots resulting in removed trees on public and private property while further limiting planting spaces; and

WHEREAS, the proposed future used of the property will forever have negative impacts on the enjoyment and use of the Wilson Memorial Park; and

WHEREAS the proposed future project will have negative impacts on views, light, air in the Woodrow Wilson Memorial park and surrounding neighborhoods; and

WHEREAS, the proposed future use of the parkland will be converted to impervious cover, parking, a new driveway that will increase traffic congestion and storm water runoff on a light residential street adjacent/along the Woodrow Wilson Memorial Park; and

WHEREAS, there has been insufficient exploration of alternatives for this project that would not call for elimination of the parkland with resident large trees; and

WHEREAS, it is questionable if all the legal requirements have been met for public notification/input: and

WHEREAS, a public hearing was held by the City of Linden/Board of Education on March 26, 2020 in direct defiance of the Governor of New Jersey Executive Order No. 107 restricting public gatherings due to the current International COVID-19 Virus outbreak, placing members of the public at great risk to their health including but not limited to death despite urging from the members of the Linden Shade Tree Commission to postpone the hearing as this proposed project has no urgency whatsoever, and

WHEREAS, the City of Linden/Board of Education refused to postpone the March 26, 2020 hearing despite the International COVID-19 Virus Crisis, while major worldwide events have been cancelled, including, but not limited to International Olympics Games (Postponed until June/July 2021), Wimbledon Tennis Championship (Cancelled), NCAA Basketball Tournament (Cancelled), French Open Tennis Championship (Postponed until September 2020), Masters Golf Championship (Postponed indefinitely), PGA Players Golf Championship (Postpone indefinitely), Indy 500 Race (Postponed); and

WHEREAS, the holding of the public hearing on March 26, 2020, by the City of Linden and Board of Education in indifferent, reckless defiance of the Governor of New Jersey's Executive Order No. 107 limiting public gatherings being a naked, blatant attempt to limit public comments/participation; and

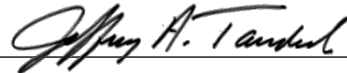
WHEREAS, the Linden Shade Tree Commission is to provide for the protection, regulation and control of all shade trees planted or growing upon the public highways or in the public parks of the City of Linden. (1979 Code § 91), under Chapter 20 of the Linden Municipal Code, however, the Linden Shade Tree Commission was not informed about in the proposed disposal process during the planning by the City; and

WHEREAS, the Linden Shade Tree Commission effectively develops, maintains and promotes a sustainable, safe, and productive shade tree resource that benefits the physical, economic, environmental, and social well-being of the community of the City of Linden;

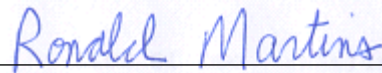
NOW THEREFORE, BE IT RESOLVED by the Shade Tree Commission of the City of Linden, in the County of Union, State of New Jersey as follows:

1. The City of Linden Shade Tree Commission objects to the filing of a pre-application for the proposed subdivision of the Woodrow Wilson Memorial Park pursuant to N.J.A.C. 7:36-26 and the purposeful lack of Community and Shade Tree Commission involvement.

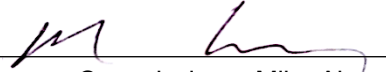
2. The City of Linden Shade Tree Commission hereby finds that the proposed subdivision of the Woodrow Wilson Memorial Park would be an unnecessary burden. financially and environmentally to the City.
3. The Linden Shade Tree Commission contends that the City of Linden as applicant to obtain the approval of the proposed subdivision of the Woodrow Wilson Memorial Park have failed to meet all substantive and procedural requirements of N.J.A.C. 7:36-26, including compensation requirements at N.J.A.C. 7:36-26.5.
4. The Linden Shade Tree Commission objects to the disposal of the aforementioned Woodrow Wilson Memorial Park property and existing healthy, major, mature trees that will be cut down to accommodate a future project proposed by the City of Linden and Linden Board of Education.
5. The Linden Shade Tree Commission objects to and does not approve of the proposed compensation for trees to be removed if the land disposition is approved. It is completely inadequate. Furthermore, if any funds are paid for compensation for tree removals, any such funds should be paid back into the Commission Budget for reforestation.
6. The City of Linden Shade Tree Commission most strongly admonishes the City of Linden and Linden Board of Education for recklessly and indifferently holding a so-called public hearing on March 26, 2020 on the subject of this resolution in direct defiance of the Executive Order No. 107 by the Governor of New Jersey to avoid all public gatherings, and further that the result of not postponing this hearing placed at the 19 individuals in attendance in person at the hearing placing their families, children and the community at large at grave risk of major health consequences including death.



Shade Tree Commission Chairman
Jeffrey A. Tandul, LLA, ASLA, M.Arch.



Commissioner Ronald Martins



Commissioner Mike Alexy

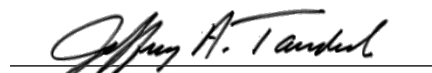


Commissioner Judy England-McCarthy

PASSED: April 02, 2020

APPROVED: April 03, 2020

ATTEST:



Jeffrey A. Tandul, Secretary Linden Shade Tree Commission